



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------|---------------------|------------------|
| 09/682,279 | 08/13/2001 | Cecil Earl Williams JR. | 476901 | 4829 |

31292 7590 12/30/2003
CHRISTOPHER & WEISBERG, P.A.
200 EAST LAS OLAS BOULEVARD
SUITE 2040
FORT LAUDERDALE, FL 33301

| | |
|------------------|--------------|
| EXAMINER | |
| TRIEU, VAN THANH | |
| ART UNIT | PAPER NUMBER |
| 2636 | |

DATE MAILED: 12/30/2003

32

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 32

Application Number: 09/682,279

Filing Date: August 13, 2001

Appellant(s): WILLIAMS, CECIL EARL

MAILED

DEC 30 2003

Technology Center 2600

John Christopher

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02 October 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

This appeal involves claims 5, 6 and 8.

Claim 7 has been canceled.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The amendment after final rejection filed on 02 October 2003 has been entered.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is not correct. The 112 rejection to claim 8 has been overcome due to appellant's arguments.

(7) *Grouping of Claims*

The rejected of claims 5, 6 and 8 stand and fall together.

(8) *ClaimsAppealed*

(A) Claim 5 contains substantial errors as presented in the Appendix to the brief. Accordingly, claim 5 correctly written in the Appendix to the Examiner's Answer.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

| Number | Name | Date |
|-----------|-------|----------------|
| 5,615,945 | TSENG | 01 April 1997 |
| 5,938,770 | KIM | 17 August 1999 |

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tseng** [US 5,615,945 in view of **Kim** [US 5,938,770].

Regarding claim 5, **Tseng** discloses a light device for use with a computer including an elongated, hollow, flexible neck 1 (flexible, tubular and stabilizing agent), a plug 3 fastened to the flexible neck at one end for connection to an electrical socket 4 on the computer via a plurality of contact pins 32 and a lamp assembly 2 fastened to the flexible neck 1 at an opposite end and connected to the plug by electrical wires 33, see Figs. 2-4, col. 1, lines 47-64, col. 2, lines 25-67 and col. 3, lines 1-3. But **Tseng** is silent about the plug specifically being a universal serial bus (USB) connector electronically coupled to first end of the elongate, standard USB wire and the illuminating light electronically coupled to the second end elongate, standard USB wire. However, **Tseng** teaches that the plug 3 is fasten to the electric socket 4 on the computer, which is used by the keyboard or interface card of the computer, see Figs. 3 and 4, col. 2,

lines 61-65. It is important to note that **Tseng** discloses that the socket can be used by an interface card. A USB connector is an interface card that was not introduced until late 1997 (later than **Tseng's** filing date). **Kim** shows that an interface card could particularly be a USB card which can be connected to various devices including a light pen 52 which contains a light, see Figs. 1, 5-11 and 13, col. 4, lines 10-20, col. 6, lines 37-67 and col. 7, lines 13-24. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the specific interface card of **Tseng** could have been a USB card described by **Kim** because USB became a popular, common interface after the application of **Tseng** was filed and further it would have been obvious to use any powered interface connection to connect a light, after reading **Tseng**.

Regarding claim 6, **Tseng** shows in figure 3 that only two wires (for + and – power connections) are used to connect lamp 251 to the computer power supply. So with the combination above, no data would be transferred.

Regarding claim 8, one would recognize that one would have selected the Vbus and GND wires in the standard USB cable for connection to the lamp of **Tseng** as this would provide power to the light and would be the equivalent connection as that made in **Tseng**.

(11) Response to Argument

Appellant's arguments:

- (A) None of the peripheral devices taught by **Kim** transfer solely power.

- (B) There is no motivation to combine **Tseng** and **Kim**.
- (C) If the references were combined it would not make the claims obvious.

Response to the arguments:

(A) Kim is used to show that USB is a known interface card that can be used in a computer system. It is irrelevant that the peripheral devices of Kim transfer power and data. Tseng shows that an interface port can use the power terminals to power a lamp. Since USB was not well known at the time of Tseng, Kim was used to show that the interface card could be a USB card. It is noted that one of the peripherals of Kim includes a light.

(B) There is certainly motivation for the combination. Tseng is silent as to the particular type of interface card used. Kim shows that a particular type of card selected could be a USB card. It certainly would have been obvious to do this based on the speed of the USB and its ease of use. The popularity of USB today would also be proof that USB is a desirable interface.

(C) Applicant has selected features of the secondary reference which do not accurately describe the rejection of record. As the rejection states, Kim is merely used to show that a USB interface could have been the interface used by Tseng. Tseng only uses the power terminals to power the auxiliary light.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Examiner: Van T. Trieu
December 23, 2003

Conferees

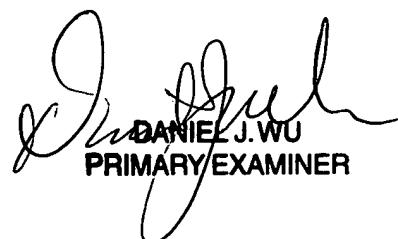
John Christopher

Attorney for Applicant(s)

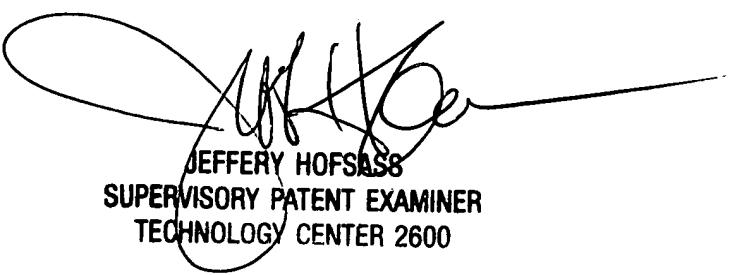
Christopher & Weisberg, P. A.

200 East Las Olas Boulevard, Suite 2040

Fort Lauderdale, Florida 33301



DANIEL J. WU
PRIMARY EXAMINER



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Appendix A

Claim on Appeal

5. An illuminating device for the Universal Serial Bus (USB) comprising:
 - a. an elongated, standard USB wire comprising:
 - i. a flexible, tubular stabilizing agent which is easily bendable, and
 - ii. having a first end and a second end;
 - b. a USB connector electronically coupled to said first end of said elongated, standard USB wire;
 - c. an illuminating light(s) electronically coupled to said second end of said elongated, standard USB wire.